

Shayla Myers (SBN 264054)
Mallory Andrews (SBN 312209)
LEGAL AID FOUNDATION OF LOS ANGELES
7000 South Broadway
Los Angeles, CA 90003
Telephone: (213) 640-3983
Email: smyers@lafla.org
mbandrews@lafla.org

*Attorneys for Gladys Zepeda, Miriam Zamora,
Ali El-Bey, James Haugabrook, Pete Diocson Jr.,
Marquis Ashley, and Ktown for All*

Additional Attorneys on Next Page

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANET GARCIA, GLADYS
ZEPEDA, MIRIAM ZAMORA, ALI
EL-BEY, PETER DIOCSON JR,
MARQUIS ASHLEY, JAMES
HAUGABROOK, individuals,
KTOWN FOR ALL, an
unincorporated association;
ASSOCIATION FOR
RESPONSIBLE AND EQUITABLE
PUBLIC SPENDING, an
unincorporated association,

Plaintiffs,

v.

CITY OF LOS ANGELES, a
municipal entity; DOES 1-7,

Defendants.

CASE NO. 2:19-cv-06182-DSF-PLA

**PLAINTIFF'S OPPOSITION TO
DEFENDANT CITY OF LOS
ANGELES' EVIDENTIARY
OBJECTIONS TO EVIDENCE
FILED IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Complaint Filed Date: July 18, 2019

Judge: Hon. Dale S. Fischer
Hearing Date: April 6, 2020
Time: 1:30 p.m.
Courtroom: 7D

1 Catherine Sweetser (SBN 271142)
2 Kristina Harootun (SBN 308718)
3 SCHONBRUN SEPLOW HARRIS
4 & HOFFMAN LLP
5 11543 West Olympic Blvd.
6 Los Angeles, CA 90064
7 Telephone: (310) 396-0731
8 Email: csweetser@sshhlaw.com
9 kharootun@sshhlaw.com
10

11 *Attorneys for Plaintiffs*

12 Benjamin Allan Herbert (SBN 277356)
13 William L. Smith (SBN 324235)
14 KIRKLAND & ELLIS LLP
15 555 South Flower Street
16 Los Angeles, CA 90071
17 Telephone: (213) 680 8400
18 Email: benjamin.herbert@kirkland.com
19 william.smith@kirkland.com
20

21 Michael Onufer (SBN: 300903)
22 KIRKLAND & ELLIS LLP
23 2049 Century Park East,
24 Los Angeles, CA 90067
25 Telephone: (310) 552-4200
26 Email: michael.onufer@kirkland.com
27

28 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,
Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and
Association for Responsible and Equitable Public
Spending*

PLAINTIFFS' OPPOSITION TO DEFENDANT'S EVIDENTIARY
OBJECTIONS

Plaintiffs respectfully submit their opposition to Defendant's evidentiary objections to evidence filed in support of Plaintiffs' motion for preliminary injunction.

Defendant's Objections to Declaration of Phuong Nguyen (Dkt. No. 38-6)

1. Defendant objects to Jane Nguyen's testimony that she personally heard Muhammad say that he moved because of the sweep. Plaintiffs present this testimony in the context of Ms. Nguyen observing that a sweep had happened in August and then observing that Muhammad had moved. Plaintiffs offer the testimony that Muhammad said he moved because of the sweep to prove Muhammad's state of mind during the time, and is admissible for this purpose. *Wagner v. Cty. of Maricopa*, 747 F.3d 1048, 1053 (9th Cir. 2013) (sister can testify to the statements made by her brother to show the impact punitive measures had on his emotional state). This evidence is also admissible to show motive, as it goes to the motive, intent, or plan behind Muhammad's move. FRE 803(3).

2. Defendant further objects to Ms. Nguyen's testimony that she has personally heard other members of Ktown for All say that they have moved because of the sweeps. Plaintiffs present this testimony to show motive, intent, and state of mind of the members, and the testimony is admissible for this purpose. FRE 803(3).

Objections to Declaration of Adrian Riskin (Dkt. No. 38-1)

3. The schedules are relevant to show the frequency of cleanings by the City in this time period and the fact that the City continued to seize bulky items from February 12, 2020 through February 24, 2020.

Dated: March 23, 2020

Respectfully submitted,
 LEGAL AID FOUNDATION OF LOS ANGELES

/s/ Shayla Myers
 Shayla Myers

1 *Attorneys for Plaintiffs Gladys Zepeda, Miriam*
2 *Zamora, Ali El-Bey, Pete Diocson Jr., Marquis*
3 *Ashley, James Haugabrook, and Ktown for All*

4 SCHONBRUN SEPLOW HARRIS & HOFFMAN
5 LLP

6 /s/ Catherine Sweetser
7 Catherine Sweetser

8 *Attorneys for All Plaintiffs*

9 KIRKLAND & ELLIS LLP

10 /s/ Benjamin Herbert
11 Benjamin Allen Herbert

12 *Attorneys for Plaintiffs Ktown for All, Janet Garcia,*
13 *Peter Diocson Jr., Marquis Ashley, Ali El-Bey, and*
14 *Association for Responsible and Equitable Public*
15 *Spending*